

21

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
Office of the Clerk

Robert R. Carr  
Clerk of Court

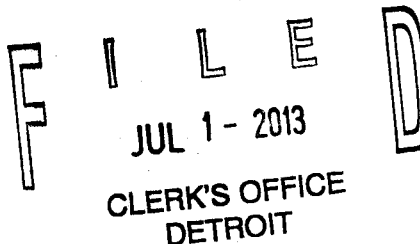
Nathan W. Lee  
Chief Deputy Clerk



P.O. Box 3074  
Lexington, KY  
40588-3074

PH: 859-233-2503

June 26, 2013



Clerk of Court  
Eastern District of Michigan  
231 W. Lafayette Blvd.  
564 Theodore Levin US Courthouse  
Detroit, MI 48226

Re: USA v. Dion Henry, EDKY - Lexington 02-cr-141-KSF  
Transfer of Jurisdiction

Dear Clerk:

The above styled action is being transferred to your district pursuant to an Order of Transfer of Jurisdiction filed on June 25, 2013.

Enclosed please find a certified copy of the docket sheet, indictment and judgment and commitment order.

Please acknowledge receipt of these documents on the attached copy of this letter of transmittal.

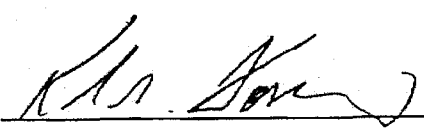
ROBERT R. CARR, CLERK  
United States District Court  
Eastern District of Kentucky

By: Colleen Dawkins  
Colleen Dawkins, Deputy Clerk

Acknowledgment of Receipt of Documents:

\_\_\_\_\_  
\_\_\_\_\_

Eastern District of Kentucky  
**FILED**  
 JUN 25 2013  
 AT LEXINGTON  
 CLERK ROBERT R. CARR  
 U.S. DISTRICT COURT

PROB 22 (Rev. 2/88)		DOCKET NUMBER (Trans. Court) 02-CR-141-KSF-1		
<b>TRANSFER OF JURISDICTION</b>  NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE:  Dion Henry		DOCKET NUMBER (Rec. Court) 2:13CR20431		
		DISTRICT  EASTERN DISTRICT OF KENTUCKY		
		DIVISION  Lexington		
		NAME OF SENTENCING JUDGE  The Honorable Karl S. Forester		
		DATES OF PROBATION/SUPERVISED RELEASE:	FROM 04/26/13	TO 04/25/18
OFFENSE  Conspiracy to Possess with Intent to Distribute Cocaine Base				
<b>PART 1 - ORDER TRANSFERRING JURISDICTION</b>				
UNITED STATES DISTRICT COURT FOR THE <u>EASTERN DISTRICT OF KENTUCKY</u>				
IT IS HEREBY ORDERED that pursuant to 18 U.S.C. 3605 the jurisdiction of the probationer or supervised releasee named above be transferred with the records of the Court to the United States District Court for the Eastern District of Michigan upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this Court.*				
<u>5/24/13</u> Date		 Senior United States District Judge		
*This sentence may be deleted in the discretion of the transferring Court.				
<b>PART 2 - ORDER ACCEPTING JURISDICTION</b>				
UNITED STATES DISTRICT COURT FOR THE <u>EASTERN DISTRICT OF MICHIGAN</u>				
IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.				
<u>06/12/2013</u> Effective Date		<u>s/Marianne O. Battani</u> United States District Judge		

CLOSED,M2255,REFER

**U.S. District Court  
Eastern District of Kentucky (Lexington)  
CRIMINAL DOCKET FOR CASE #: 5:02-cr-00141-KSF-JBT-1  
Internal Use Only**

Case title: USA v. Henry, et al  
Other court case number: 2:02-mj-81069 0645 INTERIN

Date Filed: 11/20/2002  
Date Terminated: 04/18/2003

Assigned to: Judge Karl S. Forester  
Referred to: Magistrate Judge James B  
Todd

**Defendant (1)**

**Dion Henry**  
*TERMINATED: 04/18/2003*

represented by **Dion Henry**  
42056-049  
FCI Gilmer  
P.O. Box 6000  
Glenville, WV 26351-6000  
PRO SE

**David J. Guarnieri**  
McBrayer, McGinnis, Leslie &  
Kirkland, PLLC - Lexington  
201 E. Main Street  
Suite 900  
Lexington, KY 40507  
859-231-8780  
Fax: 859-231-6518  
Email: dguarnieri@mmlk.com  
*TERMINATED: 04/18/2003*  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: CJA Appointment*

I certify that this is a true and correct  
copy of the original filed in my office.  
ROBERT R. CARR, CLERK

By: *Robert R. Carr*

Date: *6/26/13*

**Pending Counts**

CONSPIRACY TO DISTRIBUTE  
NARCOTICS  
(1)

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

**Disposition**

dft committed to 75 months  
Imprisonment; 5 yrs Supervised  
Release; \$100.00 Special Assessment

**Disposition**

NARCOTICS - SELL, DISTRIBUTE,  
OR DISPENSE

(2)

VIOLENT

CRIME/DRUGS/MACHINE GUN

(3)

**Highest Offense Level (Terminated)**

Felony

**Complaints**

None

**Disposition**

**Plaintiff**

USA

represented by **David Y. Olinger , Jr.**  
U.S. Attorney's Office, EDKY  
260 W. Vine Street  
Suite 300  
Lexington, KY 40507-1612  
859-685-4896  
Fax: 859-233-2658  
Email: David.Olinger@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kevin Charles Dicken**  
U.S. Attorney's Office, EDKY  
260 W. Vine Street  
Suite 300  
Lexington, KY 40507-1612  
859-685-4888  
Fax: 859-233-2747  
Email: Kevin.Dicken@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
11/20/2002	1	INDICTMENT by USA Counts filed against Dion Henry (1) count(s) 1, 2, 3, 4, Melvin Williams (2) count(s) 1 (COUNT 4 IS A FORFEITURE COUNT AND NOT LISTED ON FRONT OF DOCKET SHEET OR COUNTED STATISTICALLY) (LKM) (Entered: 11/21/2002)
11/20/2002	2	MOTION for warrant by USA as to Dion Henry (LKM) (Entered: 11/21/2002)
11/20/2002	3	ORDER by Chief Judge Karl S. Forester granting motion for warrant [2-1]

		warrant issued for Dion Henry (cc: all counsel) (LKM) (Entered: 11/21/2002)
11/21/2002	5	ORDER by Chief Judge Karl S. Forester granting motion for summons to issue [4-1] ; arraignment set for 9:00 12/6/02 for Melvin Williams (cc: all counsel) (LKM) (Entered: 11/22/2002)
12/09/2002	7	RULE 40 Documents received from District of Michigan as to defendant Dion Henry (Certified copy of docket sheet, waiver of Rule 40 hrg, Release Order, \$50,000.00 OR Bond, financial afdt) (LKM) (Entered: 12/09/2002)
12/09/2002	8	Summons returned unexecuted 12/5/02 (LKM) (Entered: 12/10/2002)
12/10/2002	9	INITIAL APPEARANCE MINUTES: before Mag Judge James B. Todd initial appearance of Dion Henry, hrg held 12/10/02, A. Banta rptd, Attorney David J. Guarnieri appt'd , oral mot for p.t. det., detention hearing set for 9:00 12/12/02 for Dion Henry; arraignment set for 9:45 12/16/02 for Dion Henry , dft remanded to custody (cc: all counsel) (LKM) (Entered: 12/10/2002)
12/10/2002	10	CJA Form 23 (Financial Affidavit) as to Dion Henry (LKM) (Entered: 12/10/2002)
12/10/2002		ORAL MOTION to detain by USA as to Dion Henry (Entered: 12/18/2002)
12/12/2002	11	ORDER by Mag Judge James B. Todd detention hearing re: Dion Henry held on 12/12/02 , A. Banta rptd, ORDERED: (1) detention hearing cont to 11:00 12/16/02 for Dion Henry - USP to obtain further info. (2) dft remanded to custody pending further proceedings (cc: all counsel) (LKM) (Entered: 12/13/2002)
12/16/2002	12	ARRAIGNMENT MINUTES: before Chief Judge Karl S. Forester arraignment held on 12/16/02 ,. C. Hutchinson rptd, dft Dion Henry arraigned; WFA/PNG; Attorney David Guarnieri present , jury trial set for 9:00 2/3/03 for Dion Henry , dft remanded to custody (cc: all counsel) (LKM) (Entered: 12/16/2002)
12/16/2002	13	GENERAL ORDER OF DISCOVERY by Chief Judge Karl S. Forester (cc: all counsel) (LKM) (Entered: 12/16/2002)
12/16/2002	14	ORDER of Detention by Mag Judge James B. Todd as to Dion Henry (cc: all counsel) (LKM) (Entered: 12/16/2002)
12/17/2002	15	ORDER by Mag Judge James B. Todd detention hearing held on 12/16/02 re: Dion Henry, S. Harding rptd, ORDERED: (1) oral motion to detain dft Henry is GRANTED (2) dft remanded to custody (cc: all counsel) (Entered: 12/18/2002)
12/20/2002	16	CJA Form 20 Copy 4 (Appointment of Counsel) Attorney David Guarnieri appt'd for dft Dion Henry (LKM) (Entered: 12/27/2002)
12/26/2002	17	REQUEST FOR DISCOVERY by Dion Henry (LKM) (Entered: 12/27/2002)
12/26/2002	18	REQUEST FOR DISCOVERY of other crimes, wrongs or acts by Dion

		Henry (LKM) (Entered: 12/27/2002)
01/08/2003	19	ARREST Warrant returned executed as to Dion Henry on 11/22/02 (LKM) Modified on 01/16/2003 (Entered: 01/16/2003)
01/08/2003		ARREST of defendant Dion Henry on 11/22/02 (LKM) Modified on 01/16/2003 (Entered: 01/16/2003)
01/23/2003	21	ORDER by Chief Judge Karl S. Forester: ARRAIGNMENT set for 1/31/03 @ 9:00 AM for Melvin Williams (cc: all counsel) (SKV) (Entered: 01/28/2003)
01/24/2003	20	MOTION for rearraignment by Dion Henry (SKV) (Entered: 01/28/2003)
01/29/2003	22	ORDER by Chief Judge Karl S. Forester granting motion for rearraignment [20-1] ; rearraignment set for 10:45 1/31/03 for Dion Henry (cc: all counsel) (LKM) (Entered: 01/29/2003)
01/31/2003	23	REARRAIGNMENT MINUTES: before Chief Judge Karl S. Forester rearraignment held on 1/31/03 , C. Hutchinson rptd, oral mot to change plea GRANTED, guilty plea entered by Dion Henry to ct 1 , sentencing hearing set for 9:15 4/18/03 for Dion Henry , oral mot for release pending sentencing passed pending agrmt by parties or filing of transcript of detention hrg, dft remanded to custody (cc: all counsel) (LKM) Modified on 02/03/2003 (Entered: 02/03/2003)
01/31/2003	24	PLEA Agreement as to Dion Henry (LKM) (Entered: 02/03/2003)
01/31/2003	25	CONSENT DECREE OF FORFEITURE by defendant Dion Henry re: handgun & ammo (LKM) (Entered: 02/03/2003)
01/31/2003	26	ORDER to comply w/Sentencing Reform Act by Chief Judge Karl S. Forester ; sentencing hearing set for 9:15 4/18/03 for Dion Henry (cc: all counsel) (LKM) (Entered: 02/03/2003)
01/31/2003		ORAL MOTION for release pending sentencing by Dion Henry (LKM) (Entered: 02/03/2003)
01/31/2003	28	GENERAL ORDER OF DISCOVERY by Chief Judge Karl S. Forester (cc: all counsel) (LKM) (Entered: 02/03/2003)
02/07/2003	33	CJA Form 20 Copy 4 (Appointment of Counsel) Attorney Pam Ledgewood appt'd for dft Melvin Williams (LKM) (Entered: 02/11/2003)
03/13/2003		SUBMITTED re motion for release pending sentencing [0-1] is submitted (LKM) (Entered: 03/13/2003)
03/17/2003	34	MOTION for entry of Preliminary Jgmt of Forfeiture by USA as to Dion Henry. (LKM) (Entered: 03/20/2003)
03/18/2003	35	PRELIMINARY JGMT OF FORFEITURE, ORDERED property be forfeited to USA,.25 cal. handgun, further ORDERED ATF to seize the property & dispose of according to law, Clerk to send copies to all counsel & USP (COM, USP, USM, ATF) Signed by Judge Karl S. Forester. (LKM) (Entered: 03/20/2003)

04/14/2003	36	MOTION to Seal Document by USA as to Dion Henry (LKM) (Entered: 04/16/2003)
04/14/2003	37	MOTION filed under seal by USA as to Dion Henry (LKM) (Entered: 04/16/2003)
04/17/2003	38	ORDER granting 36 Motion to Seal Document as to Dion Henry (1). Signed by Judge Karl S. Forester. (LKM) (Entered: 04/18/2003)
04/18/2003	39	PRESENTENCE INVESTIGATION REPORT (Sealed) as to Dion Henry (CBD) (Entered: 04/22/2003)
04/18/2003	40	PSR Rule 32(C) info (Sealed) as to Dion Henry (CBD) (Entered: 04/22/2003)
04/18/2003	41	ORDER filed under Seal as to Dion Henry (1). Signed by Judge Karl S. Forester. (cc: all counsel) (CBD) (Entered: 04/22/2003)
04/18/2003	42	ORDER denying [] Motion for release and to self surrender as to Dion Henry (1). Signed by Judge Karl S. Forester. (cc: all counsel) (CBD) (Entered: 04/22/2003)
04/18/2003	43	CRIMINAL MINUTES - SENTENCING held before Judge Karl S. Forester :Sentencing held on 4/18/2003 for Dion Henry. No obj. to PSR. Jgm shall be entered. Dft remanded to custody. (Court Reporter Oakes.) (cc: USA, USP, USM, Guarnieri) (CBD) (Entered: 04/22/2003)
04/18/2003	44	JUDGMENT as to Dion Henry (1), Count(s) 1, dft committed to 75 months Imprisonment; 5 yrs Supervised Release; \$100.00 Special Assessment. Counts 2 & 3 are dismissed on mot of US. Signed by Judge Karl S. Forester. (cc: USA, USP, USM, Guarnieri) (CBD) (Entered: 04/22/2003)
04/18/2003	45	Court Advice Re: Appeal by Dion Henry (CBD) (Entered: 04/22/2003)
04/18/2003		Attorney update in case as to Dion Henry. Attorney David J. Guarnieri terminated. (CBD) (Entered: 04/13/2004)
07/19/2003	47	CJA 20 as to Dion Henry : Authorization to Pay David Guarnieri. Amount: \$ \$3,887.83, Voucher # 030715000020. . Signed by Judge Karl S. Forester. (LGB) (Entered: 07/25/2003)
01/14/2004	49	MOTION for Order to seal all records relating to arrest record (or) conviction by Dion Henry (LKM) (Entered: 01/14/2004)
01/26/2004	50	OBJECTION by USA as to Dion Henry re 49 MOTION to seal all arrest & conviction records by Dion Henry (LKM) (Entered: 01/27/2004)
02/09/2004		*** MOTION SUBMITTED TO CHAMBERS FOR REVIEW as to Dion Henry re 49 MOTION for Order by Dion Henry (LKM) (Entered: 02/09/2004)
03/05/2004	51	ORDER denying 49 Order on Motion to seal all arrest & conviction records as to Dion Henry (1). Signed by Judge Karl S. Forester. (LKM)cc: COR,USP (Entered: 03/05/2004)



06/28/2004	52	MOTION to Vacate under 28 U.S.C. 2255 by Dion Henry ( Civil Action 04-289-KSF.) as to Dion Henry. (LKM) (Entered: 07/28/2004)
06/28/2004	53	MOTION to Modify Term of Imprisonment by Dion Henry . (LKM) (Entered: 07/28/2004)
07/29/2004	54	ORDER as to Dion Henry re 53 MOTION to Alter Judgment, 52 MOTION to Vacate under 28 U.S.C. 2255 by Dion Henry; ORDERED (1) Clerk to provide US Atty w/copy of DE # 53 & 52 (2) US Atty. shall respond w/i 40 days from date of this order. Signed by Judge James B Todd. (LKM)cc: USA, Dion Henry (Entered: 07/29/2004)
08/04/2004	55	MOTION for modification of term of IMPR & for correction of an unlawful/illegal sentence by Dion Henry (LKM) (Entered: 08/04/2004)
09/09/2004	56	MOTION for Leave to File Response & Memorandum in Opposition to dft Dion Henry's 2255 motion by USA (LKM) (Entered: 09/09/2004)
09/09/2004		PROPOSED RESPONSE & MEMORANDUM in opposition to 2255 motion as to Dion Henry by USA (LKM) (Entered: 09/09/2004)
09/09/2004		*** MOTION SUBMITTED TO CHAMBERS FOR REVIEW as to Dion Henry re 56 MOTION for Leave to File Response & Memorandum in Opposition by USA (LKM) (Entered: 09/09/2004)
09/13/2004	57	ORDER re 56 MOTION for Leave to File Response by USA: ORDERED that the US's motion is GRANTED. Said response and memo shall be filed as of the date of this order. Signed by Judge James B Todd. (JM)cc: USA, dft (Entered: 09/13/2004)
09/13/2004	58	RESPONSE in Opposition by USA as to Dion Henry re 55 MOTION for modification of sentence and, 52 MOTION to Vacate under 28 U.S.C. 2255; filed by USA (JM) (Entered: 09/13/2004)
09/20/2004	59	Mail Returned as Undeliverable. Mail sent to Dion Henry (LKM) (Entered: 09/20/2004)
09/27/2004	60	MOTION for Order of stay or alternatively, place this case in abeyance re: 2255 motion by Dion Henry (LKM) (Entered: 09/27/2004)
09/30/2004	61	TRANSCRIPT of Official Proceedings: as to Dion Henry Rearraignment held on 1/31/2003 before Judge Forester. Court Reporter: CINDY OAKES. (LKM) (Entered: 10/01/2004)
09/30/2004	62	TRANSCRIPT of Proceedings: as to Dion Henry Sentencing held on 4/18/2004 before Judge Forester. Court Reporter: CINDY OAKES. (LKM) (Entered: 10/01/2004)
10/12/2004		*** MOTION SUBMITTED TO CHAMBERS FOR REVIEW as to Dion Henry re 53 MOTION to Alter Judgment by Dion Henry, 55 MOTION to Alter Judgment by Dion Henry, 60 MOTION for Order by Dion Henry, 52 MOTION to Vacate under 28 U.S.C. 2255 by Dion Henry ( Civil Action 04-289-KSF.) (LKM) (Entered: 10/12/2004)
01/10/2005	63	MOTION for Final Decree and Order of Forfeiture by USA as to Dion



		Henry. (LKM) (Entered: 01/10/2005)
01/10/2005		*** MOTION SUBMITTED TO CHAMBERS FOR REVIEW as to Dion Henry re 63 MOTION for Final Decree and Order of Forfeiture by USA (LKM) (Entered: 01/10/2005)
01/11/2005	64	FINAL DECREE AND ORDER OF FORFEITURE, ORDERED: (1) BATF to seize the forfeited property (2) property to be forfeited: Vnispistole.25 cal. handgun & ammo. (3) forfeited property be disposed of according to law (4) Clerk to send attested copies to all COR . Signed by Judge Karl S. Forester. (LKM)cc: COR,USM,USP, ATF (Entered: 01/11/2005)
11/22/2005	65	REPORT AND RECOMMENDATIONS as to Dion Henry, RECOMMENDED that: (1) 52 MOTION to Vacate under 28 U.S.C. 2255 by Dion Henry ( Civil Action 04-289-KSF.) be DENIED; (2) 53 MOTION to modify term of impr by Dion Henry be DENIED and (3) 55 MOTION to for modification of an imposed term of impr and for correction of an unlawful/illegal sentence by Dion Henry be DENIED, Clerk to forward copy to parties who have 10 days to file objections.,. Signed by Judge Karl S. Forester. (LKM)cc: COR (Entered: 11/23/2005)
01/10/2006		*** MOTION SUBMITTED TO CHAMBERS FOR REVIEW as to Dion Henry re 53 MOTION to Alter Judgment by Dion Henry, 55 MOTION to Alter Judgment by Dion Henry, 65 REPORT AND RECOMMENDATIONS as to Dion Henry re 53 MOTION to Alter Judgment by Dion Henry, 55 MOTION to Alter Judgment by Dion Henry, 52 MOTION to Vacate under 28 U.S.C. 2255 by Dion Henry ( Civil Action 04-289-KSF.), 52 MOTION to Vacate under 28 U.S.C. 2255 by Dion Henry ( Civil Action 04-289-KSF.) (LKM) (Entered: 01/10/2006)
05/17/2006	66	OPINION & ORDER (1) ADOPTING Mag Judge Todd's 65 proposed findings of fact & recommendation; (2) DENYING dft's 52 motion to vacate; (3) DENYING dft's 53 motion to modify his term of imprisonment; (4) DENYING dft's 55 motion styled " Petitioner's Motion for Modification of an Imposed Term of Imprisonment & for Correction of an Unlawful/Illegal Sentence"; (5) judgment will be entered. Signed by Judge Karl S. Forester. (LKM)cc: COR (Entered: 05/17/2006)
05/17/2006	67	JUDGMENT (1) DENYING dft's motion to vacate; (2) DENYING dft's motion to modify his term of imprisonment; (3) DENYING dft's motion styled " Petitioner's Motion for Modification of an Imposed Term of Imprisonment & for Correction of an Unlawful/Illegal Sentence"; (4) a certificate of appealability SHALL NOT ISSUE because dft has failed to make a substantial showing of the denial of a constitutional right; (5) judgment is final; (6) matter is STRICKEN from the docket. Signed by Judge Karl S. Forester. (LKM)cc: COR (Entered: 05/17/2006)
11/20/2006		MOTIONS as to Dion Henry REFERRED to Magistrate Judge: 52 MOTION to Vacate under 28 U.S.C. 2255 by Dion Henry ( Civil Action 04-289-KSF.) (LKM) (Entered: 11/20/2006)
08/11/2008	68	Receipt for Pre-Sentence Investigation Report and Rule 32(c) Information received by United States Probation Office (GLD) (Entered: 08/22/2008)

06/25/2013	69	ORDER Granting Transfer of Supervised Release as to Dion Henry: It is ordered that the jurisdiction of the supervised releasee be transferred to the USDC Eastern District of Michigan. Signed by Judge Karl S. Forester on 5/24/2013. (SCD)cc: COR,USM,USP (Entered: 06/26/2013)
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APR - 91

No. 02-141-KSF

**UNITED STATES DISTRICT COURT**

**Eastern District of Kentucky  
FILED**

**Eastern District of Kentucky  
LEXINGTON DIVISION**

**THE UNITED STATES OF AMERICA**

vs.

**NOV 20 2002**

**DION HENRY and MELVIN WILLIAMS**

**AT LONDON**

**LESLIE G. WHITMER**

**CLERK U.S. DISTRICT COURT**

**INDICTMENT**

21/USC § 846	- Conspiracy	- 1 Count
21/USC § 841(a)(1)	- PWID cocaine	- 1 Count
21/USC § 853	- Criminal forfeiture	- 1 Count
18/USC § 924(c)(1)	- Use and carry firearm during drug trafficking crime	- 1 Count

A true bill.

Cheryl L. Hammer

Foreman

Filed in open court this 20<sup>th</sup> day,

of November, A.D. 2002

Clerk

Bail, \$ \_\_\_\_\_

I certify that this is a true and correct  
copy of the original filed in my office.

ROBERT R. CARR, CLERK

By: Colleen Danks

Date: 6/26/13

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
LEXINGTON

Eastern District of Kentucky  
**FILED**  
NOV 20 2002  
AT LONDON  
LESLIE G. WHITMER  
CLERK U.S. DISTRICT COURT

UNITED STATES OF AMERICA

V.

INDICTMENT NO. 02-141-KSF

DION HENRY and  
MELVIN WILLIAMS

\* \* \* \* \*

THE GRAND JURY CHARGES:

COUNT 1  
21 U.S.C. § 846

Beginning on or about September 1, 2002, and continuing until on or about November 6, 2002, in Fayette County, in the Eastern District of Kentucky, and elsewhere,

DION HENRY and  
MELVIN WILLIAMS

did conspire to knowingly and intentionally possess with intent to distribute fifty grams or more of a mixture or substance containing a detectable amount of cocaine base (crack cocaine), a Schedule II controlled substance, a violation of 21 U.S.C. § 841(a)(1), all in violation of 21 U.S.C. § 846.

COUNT 2  
21 U.S.C. § 841(a)(1)

Beginning on or about September 1, 2002, and continuing until on or about

November 6, 2002, in Fayette County, in the Eastern District of Kentucky,

**DION HENRY**

did knowingly and intentionally distribute fifty grams or more of a mixture or substance containing a detectable amount of cocaine base (crack cocaine), a Schedule II controlled substance, all in violation of 21 U.S.C. § 841(a)(1).

**COUNT 3**  
**18 U.S.C. § 924(c)(1)**

Beginning on or about September 1, 2002, and continuing until on or about November 6, 2002, in Fayette County, in the Eastern District of Kentucky, and elsewhere,

**DION HENRY,**

during and in relation to the drug trafficking crimes set out in Counts 1 and 2 of this indictment, for which he may be prosecuted in a court of the United States, did use and carry a firearm, to wit, a loaded Vnispistole .25 caliber handgun, all in violation of 18 U.S.C. § 924(c)(1).

**COUNT 4**  
**21 U.S.C. § 853**

In committing the felony offenses alleged in Counts 1 and 2 of this indictment, each being punishable by imprisonment for more than one year,

**DION HENRY**

used, or intended to use, the below-described property to commit or facilitate the said controlled substance violations, and the below-described property constitutes and is

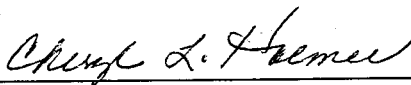
derived from proceeds obtained directly or indirectly as a result of the commission of the aforesaid violations of 21 U.S.C. §§ 841 and 846, including, but not limited to, the following:


**FIREARM:**

a Vnispistole, .25 caliber handgun, serial number 6763, and ammunition.

By virtue of the commission of the felony offenses charged in Counts 1 and 2 of this indictment, any and all interest **DION HENRY** has in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 21 U.S.C. § 853.

**A TRUE BILL**

  
\_\_\_\_\_  
**FOREPERSON**

  
\_\_\_\_\_  
**GREGORY F. VAN TATENHOVE**  
**UNITED STATES ATTORNEY**



**PENALTIES**

**COUNTS 1 and 2:**

First Offense: NLT 10 years and NMT life imprisonment, NMT \$4,000,000 fine, or both, and supervised release NLT 5 years.

Second Offense: NLT 20 years and NMT life imprisonment, NMT \$8,000,000 fine, or both, and supervised release NLT 10 years.

**COUNT 3:** Five years imprisonment to be served consecutively to the sentence on Count 1.

**COUNT 4:** Forfeiture of interest in property.

**PLUS:** Mandatory Special Assessment of \$100 on each count pursuant to Title 18, United States Code, Section 3013.

## UNITED STATES DISTRICT COURT

EASTERN

District of

KENTUCKY

UNITED STATES OF AMERICA

V.

DION HENRY

## JUDGMENT IN A CRIMINAL CASE

For Offenses Committed On or After November 1, 1987)

Eastern District of Kentucky

FILED

APR 18 2003

AT LEXINGTON  
LESLIE G. WHITMER  
CLERK U.S. DISTRICT COURT

Case Number:

LEXINGTON CR. 02-141-1-KSF

David J. Guarnieri

Defendant's Attorney

## THE DEFENDANT:

☒ pleaded guilty to count(s) 1☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21 U.S.C. 846	Conspiracy to possess with intent to distribute cocaine base	11/6/02	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) \_\_\_\_\_☒ Count(s) 2 & 3 ☐ is ☒ are dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Defendant's Soc. Sec. No.: 377-86-8941Defendant's Date of Birth: 12/30/74Defendant's USM No.: 31045-039

Defendant's Residence Address:

Fayette County Detention CenterLexington, KY 40510

Defendant's Mailing Address:

Same

April 18, 2003

Date of Imposition of Judgment

Signature of Judicial Officer

KARL S. FORESTER, CHIEF JUDGE

Name and Title of Judicial Officer

April 18, 2003

Date

I certify that this is a true and correct  
copy of the original filed in my office.  
ROBERT R. CARR, CLERKBy: Colleen DasherDate: 6/26/13

H4

DEFENDANT: HENRY, Dion  
CASE NUMBER: Lexington Cr. 02-141-1-KSF

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 75 months.

- ☒ The court makes the following recommendations to the Bureau of Prisons:  
The Court recommends that the defendant participate in the intensive drug education and treatment program.  
The Court recommends the defendant, during the term of imprisonment, participate in a Bureau of Prisons education program working towards the completion of his GED.
- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_.
- ☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before 2 p.m. on \_\_\_\_\_.
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: HENRY, Dion  
CASE NUMBER: Lexington Cr. 02-141-1-KSF

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term five (5) years

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not illegally possess a controlled substance.

*For offenses committed on or after September 13, 1994:*

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter.

☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse.

☒ The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: HENRY, Dion  
CASE NUMBER: Lexington Cr. 02-141-1-KSF

### **SPECIAL CONDITIONS OF SUPERVISION**

The defendant shall not possess a firearm, destructive device, or dangerous weapon.

The defendant shall participate in a substance abuse treatment program and shall submit to periodic drug and alcohol testing at the direction and discretion of the probation officer during the term of supervision.

DEFENDANT: HENRY, Dion  
CASE NUMBER: Lexington Cr. 02-141-1-KSF

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$

- ☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- ☐ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid in full prior to the United States receiving payment.

<u>Name of Payee</u>	<u>*Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
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TOTALS \$ \_\_\_\_\_ \$ \_\_\_\_\_

- ☐ If applicable, restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- ☐ The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 5, Part B may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine and/or ☐ restitution.
- ☐ the interest requirement for the ☐ fine and/or ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.



DEFENDANT: HENRY, Dion  
CASE NUMBER: Lexington Cr. 02-141-1-KSF

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☐ Lump sum payment of \$ \_\_\_\_\_ due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☐ in accordance with ☐ C, ☐ D, or ☐ E below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ E below); or
- C ☐ Payment in \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

- E ☒ Special instructions regarding the payment of criminal monetary penalties:

Criminal monetary penalties are payable to:  
Clerk, U. S. District Court  
Eastern District of Kentucky  
Post Office Drawer 3074  
Lexington, KY 40596-3074

Unless the court has expressly ordered otherwise in the special instruction above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court, unless otherwise directed by the court, the probation officer, or the United States attorney.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Defendant Name, Case Number, and Joint and Several Amount:

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest (7) penalties, and (8) costs, including cost of prosecution and court costs.